

**BOSNIAN WAR:
THE ROLE OF INTERNATIONAL ORGANIZATIONS AND SEXUAL ASSAULT AS
A WEAPON OF WAR¹**

**GUERRA DA BÓSNIA:
ATUAÇÃO DAS ORGANIZAÇÕES INTERNACIONAIS E O ESTUPRO COMO
ARMA DE GUERRA**

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ABSTRACT

This scientific journal presents a study case about the Bosnian war, aiming at the comprehension of the role of international organizations in this conflict and at the analysis of sexual assault/rape as a weapon of war, through violation of human rights such as genocide and ethnic cleansing. Moreover, the study seeks to bring light to the importance of this war to the development of the International Humanitarian Law (IHL) and to the establishment of legal precedents in sexual violence trials. This research, through the bibliographic revision's methodology, consists of an expository and explanatory study which is based on a qualitative method of exploratory research, with the goal of creating perspective on what the Bosnian conflict was (06APR1992 – 14DEC1995), by approaching different aspects of the process and highlighting the way such aspects connect with each other. This analysis stems from an already-existing issue, adding a more specific viewpoint to the ongoing discussions.

KEYWORDS: sexual assault; Bosnia; genocide; ethnic cleansing; statebuilding.

RESUMO

Este artigo científico apresenta um estudo de caso sobre a guerra da Bósnia, com o objetivo de compreender a atuação das organizações internacionais nesse conflito e analisar como o estupro foi utilizado como uma arma de guerra, através de violações de direitos humanos como genocídio e limpeza étnica. Além disso, busca-se evidenciar a importância dessa guerra para o desenvolvimento do Direito Internacional Humanitário (DIH) e o estabelecimento de precedentes legais em julgamentos sobre violência sexual. Adotando a metodologia de revisão bibliográfica, essa pesquisa é um estudo expositivo e explicativo, embasado num método qualitativo de pesquisa exploratória, tendo como um de seus objetivos construir um panorama do que foi o conflito da Bósnia (6 de abril de 1992 – 14 de dezembro de 1995), buscando elencar

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diferentes aspectos do processo, destacando a forma como eles se relacionam entre si, a partir uma análise de uma problemática já existente, acrescentando uma perspectiva mais específica ao debate.

PALAVRAS-CHAVE: estupro; Bósnia; genocídio; limpeza étnica; statebuilding.

INTRODUCTION

At the end of the Second World War, the Socialist Federal Republic of Yugoslavia emerged. This country, composed of the union of the Serbian Republic, Croatia, Montenegro, Slovenia, Bosnia and Herzegovina and Macedonia, was a significant part of the Non-Aligned Movement during the Cold War. It was part of a group of nations that aimed for their international relationships to surpass conflicts led by the United States and the Soviet Union, and their respective political, ideological and economic representations. The Socialist Federal Republic of Yugoslavia (also known as Old Yugoslavia) began its dissolution in 1991 when Slovenia and Croatia declared their independence. In 1992, Macedonia and Bosnia-Herzegovina would follow.

At this time, the Bosnian War began, which was the longest conflict in European territory since the Second World War. This conflict had multiple reasons, which involved political, ethnic and religious variables. In summary, we can say that it started when the Republic of Serbia refused to accept Bosnia-Herzegovina's independence. By claiming the upkeep of a "Great Serbia" as their motive, they performed violent actions in the region with the support of Croatian forces - Catholic forces - which led to the start of a series of events aiming at maintaining a political unit in the region and doing an ethnic "cleansing" of the Bosnian people (a Muslim majority).

The War, which lasted for almost three years, can nowadays be understood as a war of aggression, a civil war, or as a civil war of aggression. In the final stage, the conflict had foreign armies involved, which included armies from the United States, some European countries and the North Atlantic Treaty Organization (NATO). This involvement, which was crucial to the conclusion of the war, can be inferred as important to the recognition of the Bosnia-Herzegovina's independence process (regions that eventually became independent from one another), even though such recognition was late and significantly motivated by news coverage, popular opinion,

and later on by international politics, particularly from the United States.

With such context in mind, this research comprehends the Bosnian War (1992-1995) itself as its theme and, within this theme, analyzes the performance of international organizations during the conflict and, upon its conclusion, with the belatedness of such performance being one of the study hypotheses too. In addition, this research intends to focus the connection between sexual assault and the war; employing sexual assault as a weapon of war and the way in which such crime was reported, dealt with, and its repercussions as a second research hypothesis - not only in the media, but also in the civil reconstruction of the victims and the country.

OLD YUGOSLAVIA AND THE CONTEXT OF THE BOSNIAN WAR

Old Yugoslavia was located in southeastern Europe, in the Balkan Peninsula, also known as the Balkans. This region is considered, to this day, a “powder keg” doomed to conflicts of ethnic nature. Since the beginning of its history, it has been a region rich with intercultural exchange of diverse nature and implications. In 1453, during the ruling period of the Ottoman Empire, the region sheltered Jewish people that had been banned from Italy. Their coexistence was possible because the Ottomans believed in a multicultural approach to their territories, known as *millet* (Alves, 2004). Other cultures also found their place amongst it and, due to the tolerance proposal, kept in touch for the following centuries. This coexistence between cultures, quite unfamiliar to the other States at the time, created the idea of a fellowship between the “South Slavs”. Having distinguished the cultural exchange, it is possible to understand one of the main roots concerning the future shocks and the instability of the regional balance. Another important factor to be considered is the political and psychological westernization of the Balkans. Amongst other things, it brought the concept of nationality, which, subsequently, would be one of multiple factors used to instigate civil wars.

Old Yugoslavia shaped itself as a political unit after the ending of the First World War, with the dismantling of the Austro-Hungarian Empire. Then, in 1918, in the Balkans, the Kingdom of Serbs, Croats, and Slovenes came to be. In 1929, the kingdom started to be called the Kingdom of Yugoslavia. Led by the Serbs, the monarchy existed until 1941, when the German invasion took place during the Second World War. During that time, we observed the maintenance of a Croatian State

occupied by the Reich. The end of the Second World War was marked by the victory of the communist movement in the region and the beginning of the Socialist Federal Republic of Yugoslavia, which was then ruled by General Josip Broz Tito (1892 - 1980). During the Cold War, Yugoslavia was part of the Non-Aligned Movement. It was a group of nations which sought to establish their international relationships beyond the conflicts led by the United States, the Soviet Union, and their political, ideological and economic representations. It can be interesting to highlight that the Non-Aligned Movement was created by General Tito himself.

The Socialist Federal Republic of Yugoslavia started dissolving in 1991, when Slovenia and Croatia declared their independence. In 1992, it was time for Macedonia and Bosnia-Herzegovina to follow. During this period, the longest conflict inside European territory since the Second World War began; the Bosnian War, understood as the peak of the Socialist Federal Republic of Yugoslavia's dissolution. Political (territorial), ethnic and religious matters were articulated while it happened. As a result, being denominated as "Muslim", "Serb" or "Croatian" was important to distinguish alignments to different sides of the conflict, which was considered a very pertinent part of the identity processes.

Since the formation of the Serbian State in the XIX century, there was a significant nationalist and expansionist tendency in the region. After the Second World War and the invasion of the Balkans by the Axis in April of 1941, the Yugoslavian territory was divided between Germany, Italy and Bulgaria. The local population did not accept the invasion and division kindly, which led to multiple resistance groups - amongst them were the Chetniks, a Serbian paramilitary militia. The Chetniks would organize themselves in small groups composed of members of the Royal Yugoslav Army. Most of the militias acting on Serbia during that occupation period followed antidemocratic and Anti-liberal principles, which led to the creation of a "Great Serbia" as an ethnically homogenous state that would expand using the territories of Macedonia, Montenegro, Bosnia-Herzegovina and Vojvodina.

Due to the limited space for discussion and considering the main focus of this research, there won't be any further debate on General Tito's government; instead, a characterization of how the Balkan Peninsula was before the First World War will be carried out. Next, there will be a time jump to the dissolution of the Federative Republic of Yugoslavia, having General Tito's death as one of its causes, due to his government's agenda of promoting peaceful coexistence between nations in a single,

united territory. The intention, however, is to show how the coexistence of the different nations that lived in the region was and how it changed the increasing westernization of the Peninsula, which had a significant impact on future conflicts such as the Bosnian War itself.

The refusal from the Serbian Republic, then governed by President Slobodan Milosevic (1941 - 2006), to accept the independence of Bosnia-Herzegovina is considered the ignition factor to the start of the Bosnian War. Milosevic acted violently in the region with the premise of the 'Great Serbia's' preservation

In the beginning of the conflict, a civil war broke out due to the historical disputes between the nations and their Declaration of Independence, where militias and ethno-racial armies participated. The Bosnian-Muslim and Bosnian Croatian groups battled until October 1994, when they reached an agreement and joined each other against the Serbs. Given the multiple (possible) ways to interpret this conflict, it is crucial to characterize the concepts of civil war and war of aggression.

A civil war can be defined as a conflict between two groups inside a Nation-State, and it alludes to situations where the sovereign's ability to resolve a conflict through regulatory mechanisms, such as courts or social structures, has failed. The parties involved resort to violence, each with its own speeches and methods (MIR, 2006, p. 14).

It is important to highlight that the concept of "war of aggression" was only fully established in the 2000s, thus, after the end of the Bosnian War. For this reason, it is not possible to state that the Bosnian War was a war of aggression. This would be a historical anachronism, given that this concept still hadn't been created at the time the war happened. Nonetheless, nowadays, we can understand that the Bosnian War fits the modern concept of war of aggression.

The concept of War of Aggression, as well as the definition of aggressive acts in a context of war within the scope of the International Human Rights Law, were repeatedly debated throughout History, gaining prominence starting from the post-Second World War period. The Geneva Convention (1949) defined a list of war crimes that included, for example, deliberately attacking civilians or torturing prisoners. Resolution 3314 (XXIX) from the UN General Assembly characterized in 1974 multiple crimes as "aggression acts" which, in general, consisted in the forced invasion of a territory with the use of military forces, bombing, port blockades, attacks to military and

merchants, prolonged occupation of a territory that extrapolates the conditions agreed between parties, among others (Leite, 2022).

The use of military forces between States violating sovereignty, political independence and territorial integrity can be considered a war of aggression. According to definitions from the United Nations (UN), an act of aggression in the context of war happens when the attack is not justified by self-defense or by Article 51 of the United Nations Charter (UN, 1945). In Bosnia, until the year of 1994, the country was simultaneously dealing with a civil war and with what could be understood as a war of aggression.

Figure 1. Map of the Balkan region in 2009, close to how it was at the end of the Bosnian War.



Source: Wikimedia, 2009.

VIOLATION OF HUMAN RIGHTS IN THE BOSNIAN WAR

In order to determine the occurrence of a human rights' violation, it is essential to understand what human rights are. It comprises all basic rights of all human beings, be those rights civil, political, cultural or economic, guaranteed by the Universal Declaration of Human Rights (1948), which can be consulted in full on the United Nations International Children's Emergency Fund (UNICEF) website.

In the international scenario, it is the responsibility of the States to handle the damages caused by the violation of international rules, including human rights' violations between States. Accountability is crucial in this context, as it reaffirms the

lawfulness of the norms that regulate and protect human dignity. To determine when the violations occur, it is possible to use two separate evaluation methods: either unilaterally or institutionally (Ramos, 2017, p. 32). The unilateral evaluation takes place when a State declares to be offended and affirms their rights were violated, hence seeking reparation. In this case, the State itself analyzes the situation, which can cause the process to be less objective and more biased. The institutional method, in turn, utilizes collective mechanisms sealed by international treaties, which means the analysis is done by unbiased parties. This is crucial when evaluating the responsibility of a State for the violation of human rights and is only possible given the bilateralism of the international system. In the case of Bosnia, the violation occurred in the form of genocide, ethnic cleansing and sexual assault.

The crime of genocide was given this name approximately seventy years ago, coined by the Polish Jewish lawyer Raphael Lemkin in 1944, to name the actions from the Nazis during the Second World War. The first official conviction ruled with the use of this term was from the International Court of Justice in regard to the case of Rwanda in 1994. According to Lemkin, the term derives from the combination of the Greek word *genos*, meaning race, and the latin suffix *cide*, making a direct reference to the act of murdering and eradicating an entire population. Therefore, a genocide consists of “the destruction of national, racial or religious groups, that is, groups that would be the true targets of the criminal act, whereas individuals would only be targeted due to being part of a certain group” (Abelha, 2013, p. 12). In Bosnia, the genocide crime was mostly committed by the Serbs against the Bosnian-Muslim population. It is estimated that the war ended between a hundred and two hundred thousand people’s lives and caused more than a million people to lose their homes.

Concomitantly, the crime of ethnic cleansing was committed within the country. The term “ethnic cleansing” can be defined as the adopted set of policies that aim at forcing a certain ethnic group to abandon its territory and move somewhere else. On top of the forced emigration and mass deportations, it can also imply genocide, which, in this case, means it gains a clearer and certainly more violent outline. The concept came to be due to the Yugoslavian Civil War, a series of conflicts connected to the end of the Old Yugoslavia, which lasted from 1991 to 2011, and of which the Bosnian War is a part of. It is the literal translation of the Serbo-Croatian term ‘*etnicko ciscenje*.’ After the conflict, the term was officially incorporated into international diplomacy’s jargon. (Abelha, 2013, p. 36).

THE ROLE OF INTERNATIONAL ORGANIZATIONS DURING THE BOSNIAN WAR

With the new international safety parameters established after the Cold War, the dissolution of the Old Yugoslavia and the formation of new, independent States were quite a challenge for international organizations. Initially, Europe tried organizing efforts to resolve the Balkans' situation, such as developing plans to avoid what would later become the Bosnian War. Highlighted here is the proposal made by Portuguese diplomat José Pires Cutileiro (1934-2020) at the beginning of the conflict: create three autonomous regions in a unitary republic. The proposal was quickly rejected (Lima, 2017). Nevertheless, the European and North American projects in the region were clashing.

It is crucial to highlight the importance of the media's role in the conflict in informing the global community about the severity of that very conflict. In the case of Bosnia, considering the genocide and ethnic cleansing, the media was flooded with images that were similar to those of the Holocaust. This caused a strong feeling of indignation among the opinion makers, and it also caused the general population to favor the presence of international forces in the region. This, however, was insufficient to warrant an immediate intervention. The United States, for instance, was in the midst of the election period, which had a direct implication in the country's decisions regarding the conflict. Amongst their decisions was closing the US consulates in Serbia instead of sending military forces or humanitarian aid.

The UN, in turn, took action in the beginning of the conflict with the creation of the United Nations Protection Force (UNPROFOR). Through Resolution 758 in June of 1992, UNPROFOR established the presence of peacekeeping forces in the Bosnian territory. Even before the negotiations to end the conflict began, their goal was to provide humanitarian aid and safety (UN, 1992).

The European powers and the United States would constantly disagree on which actions should be taken, and their lack of agreement was an aggravating factor to the war. As a consequence of this, significant interventions took a long time to happen. In 1994, while the Bosnian War took place, the Rwandan Genocide against the Tutsi population was occurring, which forced the UN to split their humanitarian intervention troops, which, in turn, further weakened an already fragile force.

During the last year of the conflict, the Srebrenica genocide befell. Serbian militias commanded by General Ratko Mladic invaded the Srebrenica region and murdered eight thousand Bosnian-Muslim citizens. Along with the aforementioned Rwandan genocide, these two cases emphasized the failure of the international community in preventing such crimes. It can be inferred that the prioritization of disagreements between states and political matters over the protection of human rights was part of the reason for this failure.

In the beginning of the conflict, under George H.W. During Bush's government (1989-1993), the United States stayed at a distance due to a change in North American actions in the international scene during a post-Cold War period, given the prevailing view that this was an internal issue that should be resolved, at most, by the European security system. In 1993, when Bill Clinton (1993-2001) took office, there was an intervention in the region by the North Atlantic Treaty Organization (NATO) following UN resolution 816, establishing an air traffic restriction zone. (UN, 1993)

The act of sending UN troops was not enough to resolve the conflict, which becomes evident when analyzing the Srebrenica case — a region that was considered safe and protected by those troops, which turned into the center of a genocide on July 12, 1995. On August 28, 1995, after a second attack to the Sarajevo Market, NATO decided to do a military intervention with Operation Deliberate Force bombarding the Serbian troops (Lima, 2023).

The commonly given justification for the United States stance was that the Balkan region was historically a place of conflicts and that the war was based on complex historical animosities. This perception from the US (and Western Europe) created the false idea that the conflict taking place in Bosnia was merely a civil war with equal levels of violence on both sides of the dispute, which fueled the idea that military intervention by different international organizations would not be necessary in the region. This US rhetoric can be noticed in one of the then President George W. Bush's speeches, in which he said that the war was "an intricate, tangled conflict, arising from very old animosities [and] feuds that go back centuries" (Power *apud* Lima, 2023, p. 7).

The paradox is perceptible since both Europe and the United States define the Balkans as a region doomed to wars of ethnic-cultural motivations, ignoring the fact that this very region has been historically multi-confessional, multi-ethnic and transnational, in more harmony than Europe itself at the time. It was due to the

Westernization of the Balkans and the idea of nationality that the ethnic differences became so pronounced, to the point of instigating conflicts (Alves, 2004).

DAYTON AGREEMENT

The international intervention to end the war came in 1995 as an agreement, known as the Dayton Agreement. It is of great importance to the Bosnian context, serving as a determining basis to the general functioning of the country. One of the main people involved in the development of this agreement was the US-born diplomat Richard Holbrooke, who led the United States to be the central party and negotiator.

The peace conference took place in Dayton, Ohio, at the Wright-Patterson Air Force Base, and it lasted twenty-one days. There were many parties involved in the process and multiple goals to be addressed in a hostile environment. In order to facilitate the process, Holbrooke proposed the creation of coalitions, thus creating the *Contact Group*, composed of the United States, United Kingdom, France, Germany, Italy, Greece and Russia (Lima, 2022). However, neither the Europeans nor the UN actively participated in the process, causing it to be dominated by US representatives. In addition, the Serbo-Croatian coalition was formed, with the purpose of matching the Serbian side represented by President Milosevic at the time. Some of the main goals of the Agreement were the end of the war, the siege of Sarajevo, and the delimitation of borders between Bosnia, Croatia and Serbia (Lima, 2022).

Two international organizations (IO), NATO and UN, were highlighted in this process. The NATO forces acted through the Joint Endeavour Operation. The Implementation Force (IFOR) was a multinational force which implemented peace in Bosnia during a one-year term. The UN, in turn, had the state-building role which means “the strengthening or building of legitimate government institutions in countries that are emerging from conflict” (Paris; Sisk 2009, p. 14).

The Agreement also aimed at the creation of state entities in Bosnian territory, a new administrative system for the State, a government structure and an election system. With these ways of ensuring peace and democracy in the Balkans, there was a greater involvement of International Organizations in this process of state-building and governance, thus “creating a new pattern of intervention and increasing the authority of Organizations in the democratization process” (Lima, 2022, p. 8). It must also be considered that the new Bosnian model of democratic State was made in the

United States, based on liberal and Western principles. Democracy and peace then became inseparable concepts in the post-Cold War international scenario.

Among the matters discussed in the Dayton Agreement, an extremely important one was the division of the national territory – 49% of it would go to the Serbian Republic, which was mainly populated by Serbs, and 51% would go to the Federation of Bosnia-Herzegovina which was mainly populated by Croats and Bosnian-Muslims (Lima, 2023).

The Agreement ensured the official recognition of the Bosnian ethnic groups: the Croats and the Serbs. When dividing the territory, it was based on the *power-sharing* concept through the artifice of the veto power, in which, once the groups were recognized, the power would be divided between them, stemming from the profound ideological separation.

In a more generalist point of view, the Agreement also approaches the matters of firearms control, security cooperation, definition of democratic elections, and an emphasis on respect for Human Rights.

A matter to be considered regarding the Agreement is its possibly imperialistic character disguised as state-building. Two of its main foundations were the development of democracy and a viable market economy within capitalism, both concepts unknown to the Bosnian State. To ensure this would happen, given that both Europe and the United States believed it to be the best course to peace, an international administration was installed in the country. Even though it was expected to last for a year, it extended for an indefinite period of time (Lima, 2022). Concomitantly with the intervention in the political area, UN forces responsible for peacekeeping and ensuring respect for human rights were also established in the territory. The Bosnian government's ability to carry out its goals was and continues to be restricted because, despite being a sovereign State recognized by the international community, it is not an autonomous one. This leads to dependence, for in addition to external complications, the veto power of the Federations weakens the central government of Bosnia. This led to the creation of a confederation with two distinctive acting parties, supposedly in a not very effective central government, with little cooperation between ethnic groups and dependent on international organizations.

Given the aforementioned reasons and according to PhD in International Relations Fernando Jose Ludwig, some authors question the legitimacy of the state-building process because, when international intervention extends over long periods

of time, “it is more inclined to act on the deepest structures of the society in question, thus altering the very configuration of the state” (Ludwig, 2010, p. 129). Hence, the basis for criticism that state-building is an imperialist, neocolonialist policy and a possible violation of the principle of sovereignty and self-determination of populations within international law comes from there.

One of Ludwig’s main points is that the local civilian population and their needs are not accounted for, which becomes evident in the Bosnian context, as the Agreement was made in the West and based on liberal and capitalist principles, to be implemented in a territory that was unfamiliar with the political and economic application of such concepts. It is relevant to mention that the place where the Agreement was signed represents the way the United States sought to have protagonism in the process.

SEXUAL ASSAULT AS A WEAPON OF WAR

Before the conclusion of our reflections about the Bosnian War, it is imperative to highlight one of its worst aspects: the use of sexual assault as a weapon of war. In order to understand sexual assault as a weapon of war, it is crucial to understand what sexual violence is and how it comprises multiple acts other than the sexual assault itself.

There are multiple ad hoc treaties and instruments in the international context that approach the matter of sexual violence and sexual assault within the International Human Rights Law and the International Criminal Law. The Geneva Conventions (1949) and its three additional protocols, despite being of extreme importance to many matters and defining the standards of the International Human Rights Law, do not have definitions for the terms “sexual assault” or “sexual violence”. Throughout History, the interpretation of the provisions of the Geneva Conventions has taken on a more comprehensive nature by International Courts of Justice to address crimes of sexual assault and sexual violence in armed conflicts.

The International Criminal Tribunal for the former Yugoslavia (ICTY) was created in 1993 by Resolution 827 of the UN Security Council, aimed at judging people who were responsible for violations of the international human rights law in the Old Yugoslavia territory (UN, 1993). In this tribunal’s ad hoc statute, the crime of sexual assault is mentioned in Article 5, crimes against humanity, giving jurisprudence for the

court to judge individuals who committed the crimes of: murder, genocide, slavery, deportation, imprisonment, torture, sexual assault, political, racial or religious persecution and other types of inhuman acts. (UN, 1993). In the Statute's text, the crime of sexual assault is mentioned by the second time in Resolution 827 in which the UN Security Council states the following:

Expressing once again its grave alarm at continuing reports of widespread and flagrant violations of international humanitarian law occurring within the territory of the former Yugoslavia, and especially in the Republic of Bosnia and Herzegovina, including reports of mass killings, massive, organized and systematic detention and rape of women, and the continuance of the practice of "ethnic cleansing", including for the acquisition and the holding of territory (UN, 1993, p. 19).

The Rome Statute (1998), a treaty that established the International Criminal Court (ICC), characterizes sexual assault and sexual violence as war crimes, crimes against humanity and, in some cases, genocide. To the Roman Statute, sexual assault is considered as a crime against humanity when it is systematically perpetrated against the civilian population, and when it concerns penetration of any nature under coercion or threat of physical violence. However, it is not possible for us to apply these definitions to the Bosnian War due to the non-retroactivity of criminal law, as the war took place from 1992 to 1995.

The definitions of sexual assault and sexual violence crimes can vary according to the legal instruments utilized, both in national and international jurisdictions. The case that established jurisprudence within International Criminal Law for the condemnation of sexual crimes as a form of genocide occurred at the International Criminal Tribunal for Rwanda (ICTR), in the trial of Jean-Paul Akayesu, former mayor of Taba. It was the first trial in which an International Court condemned sexual assault as a genocide crime.

It can be noted that none of such international treaties, conventions or statutes present a concrete definition of what it means to sexually assault another individual. During the time in which the war happened, the common understanding was that sexual assault consisted in a man penetrating a woman without consent; that is, men weren't sexually assaulted, and many other forms of sexual violence were not comprehended as sexual assault. A more modern definition states that the act of sexually assaulting is a sexual and aggressive externalization of one subject directed

to another. To the Pan-American Health Organization (PAHO), sexual violence is understood as any sexual act, attempted sexual act or other act directed against an individual's sexuality through coercion by another person, regardless of their relationship to the victim and in any context. It understands sexual assault as defined by the penetration of the vulva or anus, through physical or other type of coercion, with a penis, another body part or object (PAHO, 2017). Sexual violence can also refer to genital mutilation, sexual slavery, and forced prostitution.

The power relations between men and women have an unbalanced historical construction and are manifest in the form of violence, which is used as a social tool to coerce women into submission (Alcici, 2021, p. 15). Historically, sexual assault was considered as a crime that affected the protection of male assets. This means that, for a long time, even though it was a crime committed against women and their will, it was not considered a crime against women. The psychological and physical integrity of the victim only became a determining factor after the Geneva Convention in 1992. Once again, this highlights the unbalanced relations between both genders that are reinforced by society's patriarchal structure, which accepts discrimination, inequality and violence against women as a social norm.

Sexual assault tends to be used as a weapon of war because it is a form of violence that affects more than only the main victim; it usually affects the woman's family and whole community as well given that such violations can happen in the presence of the victims' families. In the Bosnian War context (as well as in other conflicts throughout history and globally), it was common for women to be sexually assaulted, murdered and publicly exposed to serve as examples. Sexual assault can also work as a form of ethnic cleansing as it could generate mixed-race offspring that would be treated according to the main group in power.

Throughout History, although sexual assault has often been seen as an exercise of legitimate power and even as a right of the victors, since the XIX century, awareness on the horror of the act and its consequences beyond its occurrence began to be built (Vigarello, 1998). In the 1990s, this awareness was mainly consolidated, which made its systematic practice in the Bosnian War more than unacceptable; it was execrable; the female body was transformed into a symbolic battlefield for hatred and geopolitical and cultural differences. Furthermore, and possibly for the first time in history, we were able to hear the victims' first-hand reports, through interviews conducted by international television channels, which may have given more reality and

humanity to the horrors they experienced and, in turn, stimulated a change in the understanding of the phenomenon, which started to be considered as a war crime (Gill; Short; De Vito, 2009).

In wars, sexual assault could happen in different ways: opportunist violations, violations motivated by political hatred, and genocidal motivations. The first and second forms refer to crimes committed by civilians in times of war, when they would take advantage of the chaotic scenario to commit a crime without legal repercussions or due to the spreading of hate speech. The sexual assault by genocidal motivations, however, is the mass sexual assault as a weapon of war, used as a strategy to destroy the targets (Kamuzinzi, 2017). In the Bosnian scenario, it is discernible that the third form takes place – a weapon of war as a strategy to destroy the targets, and as a way to reach ethnic cleansing of the Bosnian-Muslims led by Christians Serbs. The Serbian goal of ethnic cleansing would prioritize the murder of men, elders and children, and the sexual assault of women to generate offspring. This was made possible on one hand by genocide and, on the other hand, using concentration and rape camps planned on cruelty.

In these camps, usually set up in schools, gyms and warehouses, the prisoners were continuously subjected to humiliation, torture and beatings, which would lead to death on many occasions. The women were sexually assaulted multiple times by multiple soldiers. They were held captive for months until they became pregnant and were forbidden to abort. It is estimated that approximately twenty thousand Croatian and Muslim women were sexually assaulted during the war. Such cruel acts intended to keep them submissive and psychologically tortured, as well as served to deepen the concept of ethnic cleansing, by treating the practice to achieve ethnic homogeneity (Peres, 2011). The forced pregnancies that followed the sexual assault episodes were an attack to the reproductive autonomy of women, reinforcing female objectification and accentuating the inhumanity of the project.

Sexual assault as a weapon of war is one of the most devastating strategies in a conflict, due to having the main goal of demoralizing the conquered group, in addition to implying, in practical terms, the almost total impossibility of any type of future coexistence. In the Bosnian conflict, sexual violence was used strategically and concentrated in regions of territory dispute, primarily those in which there was no ethnic homogeneity.

The fact that the brutality of the rape camps in the Bosnian War were made public, with testimonies broadcasted on television to spectators around the world, may have given people an understanding of the horrors of war and the extent of humanity's potential for cruelty for the first time. In this sense, as well as in so many others, the Balkan conflict of the 1990s is different from others that preceded it, and, at the same time, it acts as a precursor to the way we deal with those that followed it. This may be the very reason why it effectively deserves more attention from the scientific community, as well as from the media.

CONCLUSION

The Bosnian War was a milestone in the comprehension and institutionalization of new concepts in the field of human rights, especially regarding the issue of violence against women and ethnic cleansing. It also characterizes a change in the actions of International Organizations, with a more active and perhaps interventionist stance, exemplified by the state-building and peacekeeping processes. Such facts raise questions about the legitimacy of the actions of these International Organizations regarding the principle of sovereignty of countries.

Throughout this research, it was possible to analyze how the stance of the United States and Western European countries was complacent, for a period, about the violations that occurred in the Balkans because of their own interests or the false perception that it was not something that should be resolved by the international community. Another highlight was how discussions between the US and Western European countries about what would be best for Bosnia further delayed interventions in the territory to the detriment of the local population, and when such interventions happened, they did not consider the characteristics and needs of the country. It was a West-made solution, devised and biased by Western principles, and applied in a place foreign to these concepts.

The study of this historical period and its repercussions is essential when analyzing human rights and the international legal framework for these matters. Part of the myriad of factors that make up the general panorama of what the war was and how they relate to each other and affect both Bosnia and International Relations to this day are the particularities of the Bosnian War itself: being a civil war at the same time as one understood today as a war of aggression, the human rights violations

perpetrated in the territory (including genocide, mass sexual assault, ethnic cleansing, amongst many others), the ICTY and how the trials were conducted, the formation of the Bosnian State within Western capitalist standards, and the actions of the IOs.

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